

UNITED STATES BANKRUPTCY COURT District of New Jersey
Albert Russo Cn 4853 Trenton, NJ 08650 (609) 587-6888 Standing Chapter 13 Trustee
In re: Terry L Small Brenda Small Debtor(s)



Order Filed on May 5, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-10171 / MBK

Hearing Date: 04/28/2020

Judge: Michael B. Kaplan

Chapter: 13

ORDER CONFIRMING MODIFIED CHAPTER 13 PLAN

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: May 5, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

The modified plan of the debtor having been proposed to creditors, and a hearing having been held on the confirmation of such modified plan, and it appearing that the applicable provisions of the Bankruptcy Code have been complied with; and for good cause shown, it is

ORDERED that the modified plan of the above named debtor, dated 03/05/2020, or the last amended plan of the debtor be and it is hereby confirmed. The Standing Trustee shall make payments in accordance with 11 U.S.C. § 1326 with funds received from the debtor.

ORDERED that the plan of the debtor is confirmed to pay the Standing Trustee for a period of 60 months.

ORDERED that the debtor shall pay the Standing Trustee, Albert Russo, based upon the following schedule, which payments shall include commission and expenses of the Standing Trustee in accordance with 28 U.S.C. § 586:

\$7,614.00 PAID TO DATE

\$2,057.00 for 33 months beginning 5/1/2020

ORDERED that the case is confirmed to pay 100% dividend to general unsecured creditors.

ORDERED that the Standing Trustee shall be authorized to submit, ex-parte, an Amended Confirming Order, if required, subsequent to the passage of the claims bar date(s) provided under Fed. R. Bank. P. 3002.

ORDERED that the debtor's attorney be and hereby is allowed a fee pursuant to the filed 2016(b) Statement. Any unpaid balance of the allowed fee shall be paid to said attorney through the Chapter 13 plan by the Standing Trustee.

ORDERED that if the debtor should fail to make plan payments or fail to comply with other plan provisions for a period of more than 30 days, the Standing Trustee may file, with the Court and serve upon the Debtor and Debtor's Counsel, a Certification of Non-Receipt of Payment and request that the debtor's case be dismissed. The debtor shall have fourteen (14) days within which to file with the Court and serve upon the Trustee a written objection to such Certification.

ORDERED that upon completion of the plan, affected secured creditors shall take all steps necessary to remove of record any lien or portion of any lien discharged.

ORDERED that the Standing Trustee is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. § 1305(a).

ORDERED that the debtor(s) is to complete a sale or refinance of property located at 486 BRAMHALL AVE by 3/31/2021, and any non-exempt proceeds of said sale or refinance shall be paid to the Trustee for the benefit of creditors.

- Creditor Citimortgage, Inc, PACER claim #4-1, shall not be paid through the Chapter 13 Plan; creditor will be paid in full outside the Chapter 13 Plan from the sale or refinance.

ORDERED that if the debtor has provided for a creditor to be paid in the plan and no Proof of Claim is filed by such creditor before expiration of the applicable bar date, the debtor, pursuant to F.R.B.P. 3004, must file a Proof of Claim on behalf of the creditor within 30 days of the expiration of the applicable bar date. If the time period pursuant to F.R.B.P. 3004 has expired, the debtor must file a Proof of Claim on behalf of the creditor and file a motion to allow the Trustee to pay the late filed claim, or the debtor may obtain a Consent Order with the creditor authorizing the Trustee to pay an amount certain in the plan.

ORDERED as follows:

TRUSTEE IS TO PAY CONDUIT PAYMENTS TO CITIMORTGAGE IN THE AMOUNT OF \$1,866.43 AND CREDITOR TO FILE CONSENT ORDER WITHIN 30 DAYS OF CONFIRMATION. DEBTOR WILL BE RESPONSIBLE FOR ALL OTHER TAXES, FEES AND COSTS ASSOCIATED WITH THE PROPERTY PENDING SALE.

Order Confirming Chapter 13 Plan

Page 4 of 4

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Terry L Small
Brenda Small
DebtorsCase No. 18-10171-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 2

Date Rcvd: May 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 08, 2020.

db/jdb +Terry L Small, Brenda Small, 10 Margaret Drive, Dayton, NJ 08810-1327
aty +Nicholas Fitzgerald, Fitzgerald and Associates, 649 Newark Avenue,
Jersey City, NJ 07306-2341Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 08, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 6, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Aleisha Candace Jennings on behalf of Creditor LoanCare, LLC ajennings@rasflaw.com
Aleisha Candace Jennings on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
ajennings@rasflaw.com
Andrew L. Spivack on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Julie Cascino on behalf of Creditor Nationstar Mortgage LLC jcascino@grosspolowy.com,
ecfnotices@grosspolowy.com
Laura M. Egerman on behalf of Creditor Ditech Financial LLC bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Laura M. Egerman on behalf of Creditor DITECH FINANCIAL LLC bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Lynn Therese Nolan on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
ecfnotices@grosspolowy.com, lnolan@grosspolowy.com
Lynn Therese Nolan on behalf of Creditor Nationstar Mortgage LLC ecfnotices@grosspolowy.com,
lnolan@grosspolowy.com
Marguerite Mounier-Wells on behalf of Debtor Terry L Small nadiafinancial@gmail.com,
mwells@fitzgeraldcrouchlaw.com;Fitz2Law@gmail.com
Marguerite Mounier-Wells on behalf of Joint Debtor Brenda Small nadiafinancial@gmail.com,
mwells@fitzgeraldcrouchlaw.com;Fitz2Law@gmail.com
Maria D. Ramos-Persaud on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
mramos-persaud@grosspolowy.com, ecfnotices@grosspolowy.com
Nicholas Fitzgerald on behalf of Debtor Terry L Small Fitz2Law@gmail.com
Nicholas Fitzgerald on behalf of Joint Debtor Brenda Small Fitz2Law@gmail.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
Robert Davidow on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
Rosemarie Diamond on behalf of Loss Mitigation CitiMortgage, Inc. miguel.zavala@fedphe.com
Sindi Mncina on behalf of Creditor LoanCare, LLC smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 20